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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

PALO, FRANCIS T

ART UNIT

PAPER NUMBER

3644

DATE MAILED: 08/28/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

SK

Office Action Summary

Application No.

09/885,140

Applicant(s)

HSIEH ET AL.

Examiner

Francis T. Palo

Art Unit

3644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Specification

1. The title of the invention is not descriptive.

A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: Seed Sowing Method and Materials.

2. The abstract of the disclosure is objected to because;

On line-5; "the plant seeds" should be --plant seeds--,

On line-11; "thereon" should be --therein--,

On line-14; "the weeds" should be --weeds--.

Correction is required. See MPEP § 608.01(b).

3. The specification fails to conform to current U.S. practice.

It appears to be a literal translation into English from a foreign document and is replete with grammatical and idiomatic errors.

35 U.S.C. 112, first paragraph, requires the specification to be written in "full, clear, concise, and exact terms." The specification is replete with terms, which are not clear, concise and exact. The specification should be revised carefully in order to comply with 35 U.S.C. 112, first paragraph.

Examples of some unclear, inexact or verbose terms used in the specification are cited in the objections to the Abstract and the Claims.

Claim Objections

4. The claims are objected to because the lines are crowded too closely together, making reading difficult. Substitute claims with lines one and one-half or double spaced on good quality paper are required. See 37 CFR 1.52(b). Spacing between claims should be provided for the same aforementioned reasons.

5. Claims 1, 2, 4, 5, 9, 10 –12, 14 and 15 are objected to because of the following informalities: Appropriate correction is required.

Regarding claim-1:

The first line of the claim should be replaced with;

--A method of sowing plant seeds, comprising the steps of-- .

At line-8; "thereon" should be --therein--.

Regarding claim-2:

"the weeds" should be --weeds--.

Regarding claim-4:

“ranged” should be --range--.

Regarding claim-5:

“specific interval of distance to adjacent one” should be,
--specific distance interval--.

At line-21; “usage” should be --use--.

Regarding claim-9:

“to uniformly spray glue” should be --to be uniformly sprayed--.

Regarding claim-10:

“forest” should be --tree--.

Regarding claim-11:

“the plant seeds” should be --plant seeds--,

“comprises” should be --comprises:--,

“thereon” should be --therein--.

Regarding claim-12:

“the weeds” should be --weeds--.

Regarding claim-14:

"base plate" should be --base--,

"ranged" should be --range--.

Regarding claim-15:

"the plant seeds" should be --plant seeds--,

"comprises" should be --comprising:--,

"thereon" should be --therein--.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim-6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

"wherein after step b)," is vague and indefinite as the claimed subject matter should be specifically recited for in the claim.

7. Claim-8 recites the limitation "plate" in line-4. There is insufficient antecedent basis for this limitation in the claim since "a" base "plate" was not positively recited for previously; "plate" should be deleted from the claim language.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-3 and 5-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Weber et al, (US 526,512) 1894.

Regarding independent claims 1 and 11:

Weber discloses a method of sowing seeds comprising the steps of:

- a) providing a base (A) with water-absorbing ability (page-1,line-27) and humidity-maintaining ability, wherein the base includes a plurality of concavities (page-1,line-80);
- b) inlaying the seeds in the concavities of the base (page-1, lines 30,38,67 and 100);
- c) covering a cultivating material (ground soil) with the base (A), wherein each concavity has a void (page-1, line-80) therein for allowing a radicle of a corresponding seed to pierce therethrough and be rooted in the cultivating material (page-2, line-27).

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Regarding independent claim-15:

The discussion above regarding claims 1 and 11 is relied upon.

Weber discloses the sheet in nature acts as a mulch (page-2, line19), and the seed holding sheet or mat is made of some fibrous material (read as paper).

Regarding claims 2 and 12:

The discussion above regarding claims 1 and 11 is relied upon.

Weber discloses the sheet in nature acts as a mulch (page-2, line19) and while germinating the seeds perfectly also retains the moisture in the ground beneath the mat and prevents the wild grass or weeds in the soil beneath the mat from growing; this is read as light blocking material as cited in the instant claim.

Regarding claims 3 and 13:

The discussion above regarding claims 1 and 11 is relied upon.

Weber discloses the sheet or mat is made from some fibrous material (page-1, line-54).

Regarding claim-5:

The discussion above regarding claim-1 is relied upon.

Weber discloses the seed pockets can be about one-eighth of an inch apart (page-1, line-71) and the sheet or mat contains fertilizer (page-1, line-55).

Regarding claims 6-9:

The discussion above regarding claim-1 is relied upon.

Weber discloses a porous seed retaining cover is fastened to the upper face of the seed containing mat (page-1, line-74), and that this cover may be made of the same material as the mat (page-1, line-78; see also the discussion above regarding claim-15).

Weber further discloses pasting or otherwise affixing the seed retaining cover upon the top of the mat (page-1, line-100...).

Regarding claim-10:

The discussion above regarding claim-1 is relied upon.

Weber discloses the mat may be filled with flower seeds (page-2, line-34).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim-4 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Weber (US 526,512) 1894.

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Regarding claim-4:

The discussion above regarding claim-1 is relied upon.

Weber discloses the body of the mat is of sufficient thickness to allow seed pockets or holes to be made in the body to receive the seeds (page-1, line-65), and in planting

lawns the sheet may be about one-eighth of an inch in thickness (page-1, line-69);

Weber further discloses flower seeds may be used.

Weber does not specifically disclose a mat thickness range of 0.2-0.3 mm.

It would have been obvious to *phosita* at the time the invention was made, to have provided a mat in the thickness range as cited in the instant claim, so as to allow sufficient thickness to receive seeds as cited by Weber, smaller seeds would therefore require thinner mat thickness, which would fall within the range cited in the instant claim.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Marshall, Spanel, Muldner, Schmidt and Anton teach seed carriers and methods in US Patents.

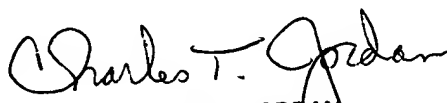
Sugito teaches in the three Japanese Patents (and Abstracts) cited in the Form-892; soluble, light-blocking and pocketed seed mats.


Fuss teaches in the European Patent; sheet-like seed carriers having a thickness of up to 0.050 mm.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Francis T. Palo whose telephone number is 703-305-5595. The examiner can normally be reached on T-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles T. Jordan can be reached on 703-306-4159. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-4180.


CHARLES T. JORDAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600


Francis T. Palo
Examiner
Art Unit 3644

fp
August 23, 2002